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Cloak and Dagger Stuff

Final argument in a slander case involving Erik Heine, an accused Soviet spy, and Juri Raus, an admitted operative of the Central Intelligence Agency, will be heard in Baltimore on Friday.

A REAL LIFE TRIAL in Baltimore sounds weirder than most of the demonology of espionage now exposed in books, motion pictures, and television. Aside from the melodramatic and romantic aspects of the confrontation, deep questions about rights and privilege are being raised.

Erik Heine, an Estonian emigre who has established a reputation as a freedom fighter, is suing Juri Raus, also an Estonian, for slander. Heine alleges that Raus on three occasions accused him of being a Communist and a Soviet agent. Raus denies making the statements at the times mentioned in the suit, but admits that he has called the plaintiff a Soviet agent or collaborator. Involved are Heine's claims for \$10,000 in compensatory damages and \$100,000 in punitive damages.

What murks up the whole action is that Raus is an admitted operative of the Central Intelligence Agency. On at least one occasion five CIA lawyers have tried to keep Raus from having to answer questions. And the CIA has told the court: "When Juri Raus spoke concerning the plaintiff on the occasions about which complaint is made, he was acting within the scope and course of his employment by the Agency on behalf of the United States."

MUCH OF THE WORK of the Central Intelligence Agency is research, some of which is pedestrian and some of which is quite shrewd. Only in its "black" operations and its "Department of Dirty Tricks" does it lay itself open to

criticism. But in these areas the complaints have been sharp and severe.

There is not space enough here to categorize the blunders for which CIA has been blamed, culminating in the disaster of the Bay of Pigs, for which CIA supplied the intelligence. It should always be pointed out that CIA by the very nature of its activities is prohibited from answering its critics or pointing with pride to its successes, which most certainly must have countervailed the boo-boos.

Numerous attempts have been made in Congress, again far too many to be listed here, to put a shorter rein on The Agency—the only government entity given automatic capital letters in Washington conversation. The answer invariably is that the House Armed Services CIA subcommittee and the corresponding subcommittee of the Senate Armed Services Committee each maintains intimate and careful surveillance of espionage and counter-espionage activities.

SPYING IS ALWAYS a dirty and usually an embarrassing thing for a democracy, but the trial of the slander suit in Baltimore raises questions to try the most sensitive minds. The federal judge who is hearing the case several times seemed on the verge of granting the defendant summary judgment on his claim of absolute privilege.

Even in a completely open society, should the individual's rights to a good reputation jeopardize, as the judge has said, "the entire U. S. counter-espionage apparatus?" On the other hand, should an admitted counter-spy—who didn't bring up his CIA affiliation until a year after the court action was brought—be allowed the complete shield of a government immune to legal processes?

These are good questions. A more practical one, perhaps, is if Heine really is a Soviet agent, why hasn't he been arrested?